

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

HASSEN N. AHMEDIN,

Petitioner,

v.

CASE NO. 20-3250-JWL

**DAN SCHNURR, Warden,
Hutchinson Correctional Facility,**

Respondent.

MEMORANDUM AND ORDER

This matter is a *pro se* petition for writ of habeas corpus filed under 28 U.S.C. § 2241. Petitioner is in state custody at the Hutchinson Correctional Facility in Hutchinson, Kansas. Petitioner challenges an Immigration and Customs Enforcement (“ICE”) detainer lodged with the Kansas Department of Corrections (“KDOC”). The Court examined the record and entered an Order to Show Cause (Doc. 3) (“OSC”), directing Petitioner to show good cause why his Petition should not be dismissed for the reasons set forth in the OSC. This matter is before the Court on Petitioner’s Response (Doc. 4).

The Court found in the OSC that Petitioner has not shown that he is in custody pursuant to the ICE detainer. An inmate challenging an ICE detainer must be in custody pursuant to the ICE detainer. *Ikunin v. United States*, No. 13–3072–RDR, 2013 WL 2476712, at *1 (D. Kan. June 7, 2013). His Petition suggests that he is in custody serving his state criminal sentence, rather than due to immigration detention or a removal order. In addition, Petitioner is not entitled to the relief he requests under K.S.A. § 22-4401 because the Interstate Agreement on Detainers does not apply to ICE civil detainees. The Court also found that Petitioner has not

indicated that he has exhausted available administrative remedies prior to filing suit in federal court. *See Jaghoori v. United States*, No. 11–3061–SAC, 2011 WL 1336677, at *3 (D. Kan. April 7, 2011) (finding that to proceed under § 2241 a petitioner must show exhaustion of available administrative remedies, and petitioner alleged no facts indicating that he had made any effort to remove the detainer through ICE or the prison grievance process).

Petitioner fails to address any of the deficiencies set forth in the OSC. Petitioner’s one-page response alleges that the ICE detainer violates his constitutional rights. Petitioner has failed to show good cause why his Petition should not be dismissed for the reasons set forth in the OSC.

IT IS THEREFORE ORDERED BY THE COURT that the Petition is **dismissed**.

IT IS SO ORDERED.

Dated November 12, 2020, in Kansas City, Kansas.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE